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EXAMINER	
DESIR, PIERRE LOUIS	
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2617	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/26/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/667,027	THOMSON ET AL.	
	Examiner	Art Unit	
	Pierre-Louis Desir	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *13 November 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-60* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-60* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *11/20/2006*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1, and 59-60 have been considered but are moot in view of the new ground(s) of rejection.

Double Patenting

2. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

3. Claims 1-60 are provisionally are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-38 of copending Application No. 10/667136, and over claims 1-82 of copending Application No. 10/666848.

Although the conflicting claims are not identical, they are not patentably distinct from each other because, for example, claim 1 of the present application discloses a method of planning a wireless local area network comprising receiving floor plan data about a site for the

wireless local area network; receiving coverage data about the site for the wireless local area network; receiving capacity data about the site for the wireless local area network; and based at least on the floor plan data, the coverage data, and the capacity data, determining quantity, placement, and configuration of a plurality of access points of the wireless local area network, while claim 1 of the copending application discloses a method for verifying a plan for a wireless local are network comprising receiving measured wireless local area network data, and comparing the measured wireless local area network data generated at least from floor plan data about a site of the wireless local area network data with expected wireless local area network data, and based on the measured data, changing at least one of the floor plan data, the quantity, the placement and the configuration of the plurality of access point. As seen above, it would have been obvious to one skilled in the art to immediately envision that having a method comprising receiving floor plan data, coverage data and capacity data about a particular site for the wireless LAN may be interpreted as verifying a plan for the wireless local area network.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 1-24, 26-48, and 52, 57, 59-60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rappaport et al (Rappaport), U.S. Patent No. 6317599 in view of Rappaport et al. (Rappaport II), U.S. Patent No. 6973622.

Regarding claims 1, 59, and 60, Rappaport discloses a method, an apparatus planning a wireless local area network, and a computer-readable medium having a set of instructions operable to direct a processor to perform the steps of receiving coverage, and an apparatus for (see abstract), comprising: receiving floor plan data about a site for the wireless local area network (i.e., in order to begin analyzing a communication network, a site-specific computer representation of the environment in which the communication network is or will be deployed is created 101. The present invention uses 2-D or 3-D computer aided design (CAD) renditions of a part of a building, a building, or a collection of buildings and/or surrounding terrain and foliage) (see fig. 1, col. 4, lines 1-33, and col. 5, lines 39-53); receiving coverage data about the site for the wireless local area network (i.e., the placement of components can be refined and fine-tuned prior to actual implementation of a system or network, wherein performance prediction modeling or measurement may be used for design and deployment; and to ensure that all required regions of the desired service area are blanketed with adequate RF coverage) (see col. 3, lines 42-57); receiving capacity data about the site for the wireless local area network (i.e., using database information, predictions about coverage , interference, and performances can be made) (see abstract); and based at least on the floor plan data, the coverage data, and the capacity data, determining quantity, placement, and configuration of a plurality of access points of the wireless local area network (see col. 3, lines 45-51).

Although Rappaport discloses a method, an apparatus, and a computer-readable medium as described, Rappaport does not specifically disclose a method, an apparatus, and a computer-readable medium comprising determining application bandwidth for one or more applications for use in the wireless local area network; determining user group bandwidth for one or more user groups that will utilize the wireless local area network; calculating capacity data using the application bandwidth and the user group bandwidth; receiving capacity data about the site for the wireless local area network; and associating areas with applications and user groups in accordance with the capacity data.

However, Rappaport II discloses a method, an apparatus, and a computer-readable medium comprising determining application bandwidth for one or more applications for use in the wireless local area network (i.e., prediction of bandwidth may be carried out by predicting the performance for all wired network components separately from the performance of wireless components, and then combining the results to get the net network performance. To predict the performance of a wired communication link, it is important to combine the known effects of each piece of wired equipment for the specific network settings, also known as operating or performance parameters, such as protocol type, data type, packet size, and traffic usage characteristics, firmware type, operating system type, typical network performance characteristics, and typical, average, peak, and minimum traffic load on the network) (see col. 14, lines 33-52 and col. 20, lines 5-19); determining user group bandwidth for one or more user groups that will utilize the wireless local area network (i.e., the bandwidth of a network are calculated as functions of any or all of the following operational parameters which impact performance: distance between transmitter and receiver, physical environment specification,

packet sizes, error and source coding schemes, packet overhead, modulation techniques, environment, interference, signal strength, **number of users**, and for wireless networks, the antenna pattern and type, multipath delay, number of multipath components, angle of arrival of multipath components, radio frequency bandwidth, protocol, coding scheme, and 3-D location. In order to predict the bandwidth of a network connection, the appropriate functions and constants may be calculated from the listed parameters and then predicted for each location and time desired) (see col. 20, lines 5-19); calculating capacity data using the application bandwidth and the user group bandwidth (see col. 28, lines 7-51, and col. 29, lines 1-32); receiving capacity data about the site for the wireless local area network (see col. 28, lines 7-51, and col. 29, lines 1-32); and associating areas with applications and user groups in accordance with the capacity data (see col. 28, lines 7-51, and col. 29, lines 1-32); and based at least on the floor plan data, the coverage data, and the capacity data, determining quantity, placement, and configuration of a plurality of access points of the wireless local area network (see col. 29, lines 50 to col. 30, line 23).

Therefore, it would have been obvious to one of ordinary skill n the art at the time of the invention to combine the teachings as described above to arrive at the claimed invention. A motivation for doing so would have been to ensure appropriate predictions could be made according to expected system performance.

Regarding claim 2, Rappaport discloses a method (see claim 1 rejection) wherein the floor plan data is imported (i.e., a 3-D model of the environment is stored as a CAD model in an electronic database) (see col. 4, lines 1-2).

Regarding claim 3, Rappaport discloses a method (see claim 1 rejection) wherein the floor plan data is manually drawn via computer (see col. 4, lines 6-26).

Regarding claim 4, Rappaport discloses a method (see claim 1 rejection) wherein objects in the floor plan data are associated with radio frequency attenuation factors (see col. 5, lines 44-53).

Regarding claim 5, Rappaport discloses a method (see claim 4 rejection) wherein objects in the floor plan data are associated with radio frequency attenuation factors that depend on a technology standard of the wireless local area network (see col. 1, lines 37-44, and col. 5, lines 44-53).

Regarding claim 6, Rappaport discloses a method (see claim 1 rejection) wherein the coverage data indicates coverage areas of the site serviced by the plurality of access points (i.e., transceivers) (see col. 3, lines 42-57).

Regarding claim 7, Rappaport discloses a method (see claim 6 rejection) wherein the coverage data is indicated with at least the floor plan data (see col. 4, lines 1-10).

Regarding claim 8, Rappaport discloses a method (see claim 6 rejection) wherein the coverage data depends on a technology standard of the wireless local area network (wireless local area network coverage area inherently uses appropriate standard of the WLAN standard (see col. 1, lines 37-44).

Regarding claim 9, Rappaport discloses a method (see claim 8 rejection) wherein at least one coverage area supports one or more technology standards of the wireless local area network (wireless local area network coverage area inherently uses appropriate standard of the WLAN standard (see col. 1, lines 37-44).

Regarding claim 10, Rappaport discloses a method (see claim 1 rejection) further comprising: receiving wiring closet data, the wiring closet data indicating one or more locations for one or more distribution system switches (or nodes) at the site for the wireless local area network, the one or more distribution system switches to the plurality of access points (i.e., selection and placement of hardware components such as cable, transceivers) (see col. 3, lines 45-51, and col. 7, lines 29-37).

Regarding claim 11, Rappaport discloses a method (see claim 10 rejection) wherein determining quantity, placement, and configuration of the plurality of access points of the wireless local area network is further based at least on the wiring closet data (see col. 1, line 61 to col. 2, line 13, col. 7, lines 29-37, and col. 13, line 64 to col. 14, line 13).

Regarding claim 12, Rappaport discloses a method (see claim 11 rejection) wherein the wiring closet data includes redundant connection data to the plurality of access points (see col. 4, lines 18-26).

Regarding claim 13, Rappaport discloses a method (see claim 1 rejection) further comprising: based at least on the floor plan data, the coverage data, and the capacity data, determining at least one of quantity, placement, and configuration of one or more distribution system switches (i.e., nodes) at the site for the wireless local area network, the one or more distribution system switches connecting to the plurality of access points (see col. 3, lines 42-57, col. 5, line 63 to col. 6, line 7, and col. 6, lines 24-30).

Regarding claim 14, Rappaport discloses a method (see claim 13 rejection) further comprising: determining connections between the one or more distribution system switches and the plurality of access points (see col. 4, lines 18-26).

Regarding claim 15, Rappaport discloses a method (see claim 1 rejection) wherein the capacity data includes one or more throughput rates for stations serviced by the plurality of access points (see col. 4, lines 27-36, and col. 6, lines 5-7).

Regarding claim 16, Rappaport discloses a method (see claim 1 rejection) wherein the capacity data includes one or more average desired association rates for stations serviced by the plurality of access points (see col. 10, lines 43-60).

Regarding claim 17, Rappaport discloses a method (see claim 1 rejection) wherein the capacity data includes one or more quantities of stations serviced by the plurality of access points (see col. 5, line 63 to col. 6, line 7, col. 7, line 63 to col. 8, line 10, and col. 11, lines 5-19).

Regarding claim 18, Rappaport discloses a method (see claim 17 rejection) wherein the capacity data includes one or more quantities of active stations serviced by the plurality of access points (see col. 5, line 63 to col. 6, line 7, col. 7, line 63 to col. 8, line 10, and col. 11, lines 5-19).

Regarding claim 19, Rappaport discloses a method (see claim 17 rejection) wherein the capacity data includes one or more quantities of total stations serviced by the plurality of access points (see col. 15, lines 21-54).

Regarding claim 20, Rappaport discloses a method (see claim 1 rejection) further comprising: receiving association data (i.e., the designer can make design decisions based upon the viability of multiple locations and/or wireless system configuration) (see col. 10, lines 2-12).

Regarding claim 21, Rappaport discloses a method (see claim 20 rejection) wherein determining quantity, placement, and configuration of the plurality of access points of the wireless local area network is further based at least on the association data points (see col. 3, lines 42-57, col. 5, line 63 to col. 6, line 7, and col. 6, lines 24-30).

Regarding claim 22, Rappaport discloses a method (see claim 20 rejection) wherein the association data includes allowable channels for the plurality of access points (i.e., new channel sets) (see col. 7, lines 29-42).

Regarding claim 23, Rappaport discloses a method (see claim 20 rejection) wherein the association data includes one or more minimum rates for beacons of the plurality of access points (see col. 5, lines 54-).

Regarding claim 24, Rappaport discloses a method (see claim 20 rejection) wherein the association data includes one or more minimum rates for probe responses of the plurality of access points (see col. 5, line 54 to col. 6, line 7).

Regarding claim 26, Rappaport discloses a method (see claim 1 rejection) wherein the configuration of the plurality of access points of the wireless local area network determined based at least on the floor plan data, the coverage data, and the capacity data, includes power levels for the plurality of access points (i.e., increase transmitted power) (see col. 7, lines 29-37).

Regarding claim 27, Rappaport discloses a method (see claim 1 rejection) wherein the configuration of the plurality of access points of the wireless local area network determined based at least on the floor plan data, the coverage data, and the capacity data, includes channel assignments for the plurality of access points (see col. 7, lines 29-42).

Regarding claim 28, Rappaport discloses a method (see claim 1 rejection) wherein the placement of the plurality of access points of the wireless local area network determined based at least on the floor plan data, the coverage data, and the capacity data, is manually adjustable via computer (i.e., see col. 4, lines 10-18).

Regarding claim 29, Rappaport discloses a method (see claim 28 rejection) further

comprising: based at least on manually adjusted placement of the wireless local area network, determining at least one of the quantity and the configuration of the plurality of access points (see col. 4, lines 10-22. Also refer to col. 1, line 61 to col. 2, line 13, col. 7, lines 29-37, and col. 13, line 64 to col. 14, line 13).

Regarding claim 30, Rappaport discloses a method (see claim 28 rejection) further comprising: based at least on manually adjusted placement of at least one access point of the wireless local area network, determining the placement of at least one other access point of the plurality of access points (see col. 4, lines 10-22. Also refer to col. 1, line 61 to col. 2, line 13, col. 7, lines 29-37, and col. 13, line 64 to col. 14, line 13).

Regarding claim 31, Rappaport discloses a method (see claim 28 rejection) further comprising: based at least on manually adjusted placement of at least one access point of the wireless local area network, determining at least one of the coverage data and the capacity data of the site for the wireless local area network (see col. 4, lines 10-22. Also refer to col. 1, line 61 to col. 2, line 13, col. 7, lines 29-37, and col. 13, line 64 to col. 14, line 13).

Regarding claim 32, Rappaport discloses a method (see claim 1 rejection) further comprising: displaying at least the quantity and the placement of the plurality of access points of the wireless local area network (see col. 4, lines 10-22).

Regarding claim 33, Rappaport discloses a method (see claim 1 rejection) further comprising: permitting manual adjustments via computer to one or more of: the quantity and the configuration of the plurality of access points of the wireless local area network (see fig. 14, col. 9, lines 30-36, and lines 46-51).

Regarding claim 34, Rappaport discloses a method (see claim 33 rejection) further

comprising: based at least on the manual adjustments, determining at least one of the quantity, the placement, and the configuration of the plurality of access points (see col. 4, lines 10-22, and col. 9, lines 30-36, and lines 46-51).

Regarding claim 35, Rappaport discloses a method (see claim 33 rejection) further comprising: based at least on manual adjustments, determining at least one of the coverage data and the capacity data of the site for the wireless local area network see col. 4, lines 10-22, and col. 9, lines 30-36, and lines 46-51).

Regarding claim 36, Rappaport discloses a method (see claim 1 rejection) further comprising: receiving preexisting access point data (i.e., network engineers must determine whether local area coverage will be adequately supplemented by other existing macrocells, or whether and where, particularly, indoor wireless transceivers (such as wireless access points, smart cards, sensors, or picocells) must be added) (see col. 1, line 65 to col. 2, line 7).

Regarding claim 37, Rappaport discloses a method (see claim 36 rejection) wherein determining quantity, placement, and configuration of the plurality of access points of the wireless local area network is further based at least on the preexisting access point data (see col. 1, line 65 to col. 2, line 7).

Regarding claim 38, Rappaport discloses a method (see claim 1 rejection) further comprising: generating work order data based at least on the quantity, the placement, and the configuration of the plurality of access points of the wireless local area network (see col. 13, lines 36-43).

Regarding claim 39, Rappaport discloses a method (see claim 38 rejection) wherein the work order data (i.e., installation information) includes installation instructions for the plurality

of access points of the wireless local area network (see col. 13, lines 36-43).

Regarding claim 40, Rappaport discloses a method (see claim 39 rejection) wherein the work order data includes installation instructions for one or more distribution system switches (i.e., distribution feed systems) connecting to the plurality of access points of the wireless local area network (see col. 6, lines 26-31, and col. 13, lines 36-43).

Regarding claim 41, Rappaport discloses a method (see claim 1 rejection) further comprising: pushing distribution system switch configurations to one or more distribution system switches at the site for the wireless local area network, the one or more distribution system switches connecting to the plurality of access points (see col. 6, lines 26-31, and col. 13, lines 36-43).

Regarding claim 42, Rappaport discloses a method as disclosed above (see claim 41 rejection).

Although Rappaport discloses a method as described, Rappaport does not specifically disclose a method wherein the distribution switch configurations include management settings.

However, Rappaport II discloses a method, which includes management settings (i.e., network settings) (see col. 19, lines 19-22).

Therefore, it would have been obvious to one of ordinary skill n the art at the time of the invention to combine the teachings as described above to arrive at the claimed invention. A motivation for doing so would have been to ensure appropriate predictions could be made according to expected system performance.

Regarding claim 43, Rappaport discloses a method as described above (see claim 42 rejection).

Although Rappaport discloses a method as described, Rappaport does not specifically disclose a method wherein the management settings include one or more HTTPS settings, telnet settings, SNMP settings, logging settings, time zone settings.

However, Rappaport II discloses a method wherein a remote agent can be directed to make measurement using any desired protocol, traffic type, network settings, or configurations. Also, the network may be modeled down to the settings and locations of the individual data communications devices (see col. 19, lines 19-22, 54-61, col. 27, lines 2-14, and col. 30, lines 31-40). Thus, one skilled in the art would have unhesitatingly conceptualize (as known in the art) that HTTPS settings, telnet settings, SNMP settings, logging settings, and time zone settings may be included in protocol, traffic type, network settings, or configurations.

Therefore, it would have been obvious to one of ordinary skill n the art at the time of the invention to combine the teachings as described above to arrive at the claimed invention. A motivation for doing so would have been to ensure appropriate predictions could be made according to expected system performance.

Regarding claim 44, Rappaport discloses a method as described above (see claim 41 rejection).

Although Rappaport discloses a method as described, Rappaport does not specifically disclose a method wherein the management settings include IP service settings.

However, Rappaport II discloses a method wherein a remote agent can be directed to make measurement using any desired protocol, traffic type, network settings, or configurations. Also, the network may be modeled down to the settings and locations of the individual data communications devices (see col. 19, lines 19-22, 54-61, col. 27, lines 2-14, and col. 30, lines

31-40). Thus, one skilled in the art would have unhesitatingly conceptualize (as known in the art) that IP service settings may be included in protocol, traffic type, network settings, or configurations.

Therefore, it would have been obvious to one of ordinary skill n the art at the time of the invention to combine the teachings as described above to arrive at the claimed invention. A motivation for doing so would have been to ensure appropriate predictions could be made according to expected system performance.

Regarding claim 45, Rappaport discloses a method as described above (see claim 44 rejection).

Although Rappaport discloses a method as described, Rappaport does not specifically disclose a method wherein the management settings include static route settings, IP alias settings, DNS settings, and NTP settings.

However, Rappaport II discloses a method wherein a remote agent can be directed to make measurement using any desired protocol, traffic type, network settings, or configurations. Also, the network may be modeled down to the settings and locations of the individual data communications devices (see col. 19, lines 19-22, 54-61, col. 27, lines 2-14, and col. 30, lines 31-40). Thus, one skilled in the art would have unhesitatingly conceptualize (as known in the art) that static route settings, IP alias settings, DNS settings, and NTP settings may be included in protocol, traffic type, network settings, or configurations.

Therefore, it would have been obvious to one of ordinary skill n the art at the time of the invention to combine the teachings as described above to arrive at the claimed invention. A

motivation for doing so would have been to ensure appropriate predictions could be made according to expected system performance.

Regarding claim 46, Rappaport discloses a method as described above (see claim 41 rejection).

Although Rappaport discloses a method as described, Rappaport does not specifically disclose a method wherein the management settings include authentication settings.

However, Rappaport II discloses a method, which includes authentication settings (i.e., security) (see col. 19, lines 19-22, 54-61, col. 27, lines 2-14, and col. 30, lines 31-40).

Therefore, it would have been obvious to one of ordinary skill n the art at the time of the invention to combine the teachings as described above to arrive at the claimed invention. A motivation for doing so would have been to ensure appropriate predictions could be made according to expected system performance.

Regarding claim 47, Rappaport discloses a method as described above (see claim 41 rejection).

Although Rappaport discloses a method as described, Rappaport does not specifically disclose a method wherein the distribution system switch configurations include distribution system switch port settings.

However, Rappaport II discloses a method wherein a remote agent can be directed to make measurement using any desired protocol, traffic type, network settings, or configurations. Also, the network may be modeled down to the settings and locations of the individual data communications devices (see col. 19, lines 19-22, 54-61, col. 27, lines 2-14, and col. 30, lines 31-40). Thus, one skilled in the art would have unhesitatingly conceptualize (as known in the art)

that switch port settings may be included in protocol, traffic type, network settings, or configurations.

Therefore, it would have been obvious to one of ordinary skill n the art at the time of the invention to combine the teachings as described above to arrive at the claimed invention. A motivation for doing so would have been to ensure appropriate predictions could be made according to expected system performance.

Regarding claim 48, Rappaport discloses a method as described above (see claim 47 rejection).

Although Rappaport discloses a method as described, Rappaport does not specifically disclose a method wherein the distribution system switch port settings includes settings for distribution system switch ports connected to access points of the plurality of access points.

However, Rappaport II discloses a method wherein a remote agent can be directed to make measurement using any desired protocol, traffic type, network settings, or configurations. Also, the network may be modeled down to the settings and locations of the individual data communications devices (see col. 19, lines 19-22, 54-61, col. 27, lines 2-14, and col. 30, lines 31-40). Thus, one skilled in the art would have unhesitatingly conceptualize (as known in the art) that settings for distribution system switch ports connected to access points of the plurality of access points may be included in protocol, traffic type, network settings, or configurations.

Therefore, it would have been obvious to one of ordinary skill n the art at the time of the invention to combine the teachings as described above to arrive at the claimed invention. A motivation for doing so would have been to ensure appropriate predictions could be made according to expected system performance.

Regarding claim 52, Rappaport discloses a method (see claim 1 rejection) further comprising: pushing access point configurations to one or more access points of the plurality of access points (see col. 8, lines 34-44).

Regarding claim 57, Rappaport discloses a method (see claim 52 rejection) wherein the access point configurations include 802.11 settings (i.e., wireless local area network) (see col. 1, lines 37-44).

6. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rappaport and Rappaport II, further in view of McKenna et al. (McKenna), U.S. Patent No. 6687498.

Rappaport discloses a method as described above (see claim 1 rejection).

Although Rappaport discloses a method as described, Rappaport does not specifically disclose a method includes multi-homing for the plurality of access points.

However, McKenna discloses a transceiver, which supports point to multi-point connections.

Therefore, it would have been obvious to one of ordinary skill in the art to combine Rappaport's method with the characteristic, as described, of Mckenna's method to arrive at the claimed invention. A motivation for doing so would have been to provide to the access point the added ability to reduce the chance of access being denied if one connection fails.

7. Claims 49-51, 55-56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rappaport and Rappaport II, further in view of Forbes, U.S. Patent No. 6512916.

Regarding claim 49, Rappaport discloses a method as described above (see claim 41 rejection). Rappaport II discloses a method wherein a remote agent can be directed to make measurement using any desired protocol, traffic type, network settings, or configurations. Also, the network may be modeled down to the settings and locations of the individual data communications devices (see col. 19, lines 19-22, 54-61, col. 27, lines 2-14, and col. 30, lines 31-40). Thus, one skilled in the art would have unhesitatingly conceptualize (as known in the art) that IP address settings, STP settings may be included in protocol, traffic type, network settings, or configurations.

Although the combination discloses a method as described, the combination does not specifically disclose a method wherein the distribution system switch configurations include distribution system switch VLAN settings.

However, Forbes discloses a method, which includes distribution system switch VLAN settings (i.e., VPN services) (see col. 8, lines 60-62).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings to arrive at the claimed invention. A motivation for doing so would have been to create a system that is based on logical connection.

Regarding claim 50, Rappaport discloses a method, which includes IP address settings IP address settings (i.e., internet protocol addresses) (see paragraph 62). Rappaport II discloses a method wherein a remote agent can be directed to make measurement using any desired protocol, traffic type, network settings, or configurations. Also, the network may be modeled down to the settings and locations of the individual data communications devices (see col. 19, lines 19-22, 54-61, col. 27, lines 2-14, and col. 30, lines 31-40). Thus, one skilled in the art

would have unhesitatingly conceptualize (as known in the art) that IP address settings, STP settings may be included in protocol, traffic type, network settings, or configurations.

Regarding claim 51, Rappaport discloses a method as described above (see claim 50 rejection). Rappaport II discloses a method wherein a remote agent can be directed to make measurement using any desired protocol, traffic type, network settings, or configurations. Also, the network may be modeled down to the settings and locations of the individual data communications devices (see col. 19, lines 19-22, 54-61, col. 27, lines 2-14, and col. 30, lines 31-40).

Although the combination discloses a method as described, the combination does not specifically disclose a method wherein the distribution system switch port VLAN settings specify membership of distribution system switch ports in VLANs.

However, Forbes discloses a method wherein VPN setting specify membership of distribution system switch ports in VPAN (as understood by examiner) (VPN services includes wide area network services, firewall services, and dedicated Internet access support) (see col. 8, lines 60-62).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings to arrive at the claimed invention. A motivation for doing so would have been to create a system that is based on logical connection.

Regarding claims 55-56, the combination discloses a method as described above (see claim 52 rejection). Rappaport discloses a method wherein a remote agent can be directed to make measurement using any desired protocol, traffic type, network settings, or configurations. Also, the network may be modeled down to the settings and locations of the individual data

communications devices (see col. 19, lines 19-22, 54-61, col. 27, lines 2-14, and col. 30, lines 31-40).

Although the combination discloses a method as described, the combination does not specifically disclose a method wherein the encryption settings include at least one of: encryption standard settings and encryption key settings.

However, Forbes discloses a method a method wherein the encryption settings include at least one of: encryption standard settings and encryption key settings (see col. 7, lines 49-62).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings to arrive at the claimed invention. A motivation for doing so would have been to create a system that is based on logical connection.

8. Claims 53-54, 58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rappaport and Rappaport II, further in view of Agrawal et al. (Agrawal), U.S. Patent No. 6879812.

Regarding claim 53, Rappaport discloses a method as described above (see claim 52 rejection). Rappaport II discloses a method wherein a remote agent can be directed to make measurement using any desired protocol, traffic type, network settings, or configurations. Also, the network may be modeled down to the settings and locations of the individual data communications devices (see col. 19, lines 19-22, 54-61, col. 27, lines 2-14, and col. 30, lines 31-40).

Although the combination discloses a method as described, the combination does not specifically disclose a method wherein the access point configurations include SSID settings.

However, Agrawal discloses a method wherein the access point configurations include SSID settings (i.e., To differentiate the subnetworks or particular networks, each particular subnetwork or network may have an identification associated with it. In this case, the communications for one network will be ignored by those devices associated with another network based, at least in part, by this identification associated with the transmissions of data. In the case of an 802.11 protocol, this is accomplished by an Extended Service Set Identifier (ESSID), which identifies the wireless local area network (LAN)) (see col. 9, lines 20-31).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine both teachings to arrive at the claimed invention. A motivation for doing so would have to provide an open wireless network.

Regarding claim 54, Rappaport discloses a method as described above (see claim 53 rejection).

Although Rappaport discloses a method as described, Rappaport does not specifically disclose a method wherein the SSID settings include at least one of: beaconed SSID settings, encrypted data SSID settings, and unencrypted data SSID settings.

However, Agrawal discloses a method wherein the SSID settings include beaconed SSID settings (i.e., identification associated with the transmission of data) (see col. 9, lines 20-31).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine both teachings to arrive at the claimed invention. A motivation for doing so would have to provide an open wireless network.

Regarding claim 58, Rappaport II discloses a method wherein a remote agent can be directed to make measurement using any desired protocol, traffic type, network settings, or

configurations. Also, the network may be modeled down to the settings and locations of the individual data communications devices (see col. 19, lines 19-22, 54-61, col. 27, lines 2-14, and col. 30, lines 31-40).

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pierre-Louis Desir whose telephone number is (571) 272-7799. The examiner can normally be reached on Monday-Friday 8:00AM- 5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on (571) 272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Pierre-Louis Desir
02/08/2007

JEAN GELIN
PRIMARY EXAMINER